



**COUNTY CLERK'S OFFICE  
STATE OF NEW YORK  
COUNTY OF SUFFOLK**

**FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.**

**★ APR 08 2019 ★**

**LONG ISLAND OFFICE**

I, JUDITH A. PASCALE, Clerk of the County of Suffolk and the Court of Record thereof do hereby certify that I have compared the annexed with the original **CLERKS MINUTES (NYSCEF)** filed in my office on **04/04/2019** and, that the same is a true copy thereof, and of the whole of such original.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said County and Court this **4/4/2019**

**SUFFOLK COUNTY CLERK**

*Judith A. Pascale*

**JUDITH A. PASCALE**

**SEAL**

19CV1604  
(SOP)(STW)



Case Caption: Patricia Cummings v. The City of New York et al

Judge Name:

Doc#	Document Type/Information	Status	Date Received	Filed By
1	SUMMONS WITH NOTICE SUMMONS WITH NOTICE	Processed	01/10/2019	Liotti, T.
2	AFFIRMATION/AFFIDAVIT OF SERVICE	Processed	02/11/2019	Liotti, T. - filed by TMS Services, Inc.
3	STATEMENT OF AUTHORIZATION FOR ELECTRONIC FILING STATEMENT OF AUTHORIZATION	Processed	02/11/2019	Liotti, T. - filed by TMS Services, Inc.
4	AFFIRMATION/AFFIDAVIT OF SERVICE	Processed	02/11/2019	Liotti, T. - filed by TMS Services, Inc.
5	AFFIRMATION/AFFIDAVIT OF SERVICE	Processed	02/19/2019	Liotti, T. - filed by TMS Services, Inc.
6	NOTICE OF APPEARANCE (PRE RJI) and Demand for Complaint	Processed	02/19/2019	Grygiel, M.
7	DEMAND FOR COMPLAINT	Processed	02/19/2019	Balog, A.
8	DEMAND FOR CHANGE OF PLACE OF TRIAL	Processed	02/19/2019	Balog, A.
9	DEMAND FOR COMPLAINT	Processed	02/21/2019	Leish, M.
10	AFFIRMATION/AFFIDAVIT OF SERVICE	Processed	02/28/2019	Liotti, T. - filed by TMS Services, Inc.
11	DEMAND FOR COMPLAINT	Processed	03/14/2019	Lawlor, J.
12	AFFIRMATION/AFFIDAVIT OF SERVICE	Processed	03/19/2019	Liotti, T. - filed by TMS Services, Inc.
13	STIPULATION - OTHER Stipulation extending plaintiff's time to serve Complaint to and including May 17, 2019	Processed	03/19/2019	Liotti, T.
14	NOTICE OF REMOVAL / REMAND (POST RJI)	Processed	03/22/2019	Leish, M.
15	AFFIRMATION/AFFIDAVIT OF SERVICE	Processed	04/01/2019	Liotti, T. - filed by TMS Services, Inc.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

PATRICIA CUMMINGS,

Plaintiff,

- against -

THE CITY OF NEW YORK; NEW YORK CITY  
DEPARTMENT OF EDUCATION; CITY OF NEW  
YORK OFFICE OF SPECIAL INVESTIGATIONS;  
NYC MAYOR BILL de BLASIO; GIULIA COX;  
COURTNEY WARE; BEN CHAPMAN; NEW  
YORK DAILY NEWS; DR. ANDRE PERRY;  
THE HECHINGER REPORT a/k/a HECHINGER  
INSTITUTE ON EDUCATION AND THE MEDIA;  
LENARD LARRY McKELVEY a/k/a  
*CHARLAMAGNE THA GOD*; WWPR-FM (105.1  
MHZ); iHEARTMEDIA; CLEAR CHANNEL  
COMMUNICATIONS, INC.; NEW YORK STATE  
SENATOR, KEVIN S. PARKER; COUNCILMAN,  
JUMAAANE D. WILLIAMS; COUNCILMAN,  
DANIEL DROMM; COALITION OF  
EDUCATIONAL JUSTICE; ANGEL MARTINEZ;  
NATASHA CAPERS, and "JOHN DOE AND JANE  
DOE# 1-100" said names being fictitious, it being the  
intent of Plaintiff to designate any and all individuals,  
officers, members, agents, servants, and/or employees  
of the aforementioned agencies owing a duty of care to  
Plaintiff, individually and jointly and severally,

Defendants.

) Case No.

**NOTICE OF REMOVAL TO  
FEDERAL COURT**

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendants Daily News, L.P., incorrectly named as New York Daily News, and Ben Chapman (collectively, "Daily News") hereby notice removal of this civil action from the Supreme Court of the State of New York, County of Suffolk, to the United States District Court for the Eastern District of New York. This Court has removal jurisdiction because this is a civil action that includes "a claim arising under the

Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1441(c)(1)(A). In further support of this Notice of Removal, the Daily News alleges as follows:

1. On or about January 1, 2019, Plaintiff Patricia Cummings commenced an action captioned *Patricia Cummings v. The City of New York, et al.*, Index No. 600747/2019, in the Supreme Court of the State of New York, County of Suffolk, by filing a Summons with Notice (the “State Action”).

2. On February 20, 2019, Plaintiff served a copy of a Summons with Notice on the Daily News.

3. On February 21, 2019, the Daily News filed a Demand for Complaint and served the same on Plaintiff.

4. On March 4, 2019, defendants The City of New York, New York City Department of Education, City of New York Office of Special Investigations, NYC Mayor Bill de Blasio, Giulia Cox, Courtney Ware, Councilman Jumaane D. Williams, and Councilman Daniel Dromm (collectively, “The City Defendants”) served a motion to change the venue of the State Action in Supreme Court of the State of New York, New York County, Index No. 100277/2019.

5. No further proceedings have occurred in the State Action. In accordance with 28 U.S.C. § 1446(a), a true and correct copy of Plaintiff’s Summons with Notice, which represents all process, pleadings, and orders served upon the Daily News in the State Action, is attached hereto as **Exhibit A**.

6. In the Summons with Notice, Plaintiff alleges that the named Defendants, among other things, violated Federal Civil Rights, 42 U.S.C. §§ 1983 and 1988, including the Due

Process and Equal Protection clauses of the Fourteenth Amendment to the United States Constitution.

7. As pled, Plaintiff's claims are predicated on federal law, involve contested federal issues, and implicate substantial federal interests.

8. Plaintiff's claims will require this Court to interpret, apply, and enforce federal civil rights and constitutional laws and regulations.

9. Accordingly, removal of this action is appropriate pursuant to 28 U.S.C. § 1331 on the grounds of federal question jurisdiction. This action arises "under the Constitution, laws or treaties of the United States" and is within this Court's original jurisdiction. 28 U.S.C. § 1331.

10. To the extent Plaintiff's claims arise under New York State law, including any tort claims or violations of New York State civil rights laws and the New York State Constitution, and do not come within the original jurisdiction of this Court, the Court has supplemental jurisdiction over such claims pursuant to 28 U.S.C. §§ 1337, as it relates to and is founded upon the same allegations giving rise to this Court's original jurisdiction.

11. Accordingly, this action is removable to this Court under 28 U.S.C. §§ 1331, 1337, 1441, 1446, and Federal Rule of Civil Procedure 81(c).

12. The United States District Court for the Eastern District of New York is appropriate for purposes of removal because it embraces the place in which the removed action has been pending. *See* 28 U.S.C. § 112.

13. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b), as it is filed within thirty days after the Daily News' receipt of the Summons with Notice.

14. Each of the named Defendants consent to removal of this action except iHeartMedia, Clear Channel Communications, Inc. (n/k/a iHeartCommunications, Inc.) and WWPR-FM (105.1 MHZ). As detailed in a letter to Plaintiff's counsel dated February 19, 2019, iHeartMedia, Clear Channel Communications, Inc. (n/k/a iHeartCommunications, Inc.) and WWPR-FM (105.1 MHZ) are not proper parties to this action. Specifically, continued prosecution of the State Action as to iHeartMedia, iHeartCommunications, Inc. and WWPR-FM (105.1 MHZ) would constitute a direct violation of the automatic stay extant in cases filed under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code"), which are pending in the United States Bankruptcy Court for the Southern District of Texas. Although the rule of unanimity generally requires that all defendants either join in a removal or consent thereto, it is well-understood that a defendant subject to an automatic stay in bankruptcy court is not properly joined and, as such, need not join or consent to removal. *See, e.g., PNC Equip. Finance, LLC v. USA Wheel Technology, Inc.*, No. 1:11cv199, 2012 WL 441172, at \*1 (S.D. Ohio Feb. 10, 2012) ("[W]here a non-joining defendant is bankrupt, courts have found that an exception is to be made to the rule of unanimity."). Moreover, a bankrupt defendant "need not join in the removal petition because it was not amendable to service of legal process." *Id.* at 1 n. 2 (collecting cases). A true and correct copy of the February 19, 2019, letter is attached hereto as **Exhibit B**.

15. True and correct copies of the remaining Defendants' Consents to Removal are attached hereto as **Exhibit C**.

16. Pursuant to 28 U.S.C. § 1446(d), the Daily News is simultaneously filing a true and correct copy of this Notice of Removal with the Clerks of the Supreme Court of the State of New York, County of Suffolk, and County of New York and serving a copy of this Notice of Removal on Plaintiff.

WHEREFORE, the Daily News respectfully requests that this action be removed from the Supreme Court of New York, Suffolk County, to this Court, and that this Court proceed as if this case had been originally initiated in this Court.

Dated: New York, New York  
March 22, 2019

By: /s/ Matthew A. Leish  
Matthew A. Leish  
Assistant General Counsel  
Daily News, L.P.  
4 New York Plaza  
New York, NY 10004  
(212) 210-2144

*Attorneys for Defendants Daily News, L.P. and Ben Chapman*

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

PATRICIA CUMMINGS,

X Index No. : 600747/2019

-against-

Plaintiff,

Date Purchased: 01/10/2019

**SUMMONS WITH NOTICE**

THE CITY OF NEW YORK;  
NEW YORK CITY DEPARTMENT OF EDUCATION;  
CITY OF NEW YORK OFFICE OF SPECIAL  
INVESTIGATIONS; NYC MAYOR BILL de BLASIO;  
GIULIA COX; COURTNEY WARE; BEN CHAPMAN;  
NEW YORK DAILY NEWS; DR. ANDRE PERRY;  
THE HECHINGER REPORT a/k/a HECHINGER  
INSTITUTE ON EDUCATION AND THE MEDIA;  
LENARD LARRY McKELVEY a/k/a  
*CHARLAMAGNE THA GOD*;  
WWPR-FM (105.1 MHZ); iHEARTMEDIA;  
CLEAR CHANNEL COMMUNICATIONS, INC.;  
NEW YORK STATE SENATOR, KEVIN S. PARKER;  
COUNCILMAN, JUMAANE D. WILLIAMS;  
COUNCILMAN, DANIEL DROMM;  
COALITION OF EDUCATIONAL JUSTICE; ANGEL  
MARTINEZ; NATASHA CAPERS, and  
"JOHN DOE AND JANE DOE # 1-100" said names  
being fictitious, it being the intent of Plaintiff  
to designate any and all individuals, officers, members,  
agents, servants, and/or employees of the  
aforementioned agencies owing a duty of care to Plaintiff,  
individually and jointly and severally,

Plaintiff designates  
SUFFOLK COUNTY  
as the Place of Trial

Basis of Venue:  
The Plaintiffs' residence

The Plaintiff resides in  
Farmingville, New York  
Suffolk County

Defendants

X

To the above Named Defendants:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to appear in this action by serving  
a notice of appearance on the Plaintiff(s) at the address set forth below within 20 days after the service  
of this Summons (not counting the day of service itself), or within 30 days after service is complete if  
the summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer or appear, a judgment will be entered against you by default for the relief demanded below.

Dated: Garden City, New York  
January 9, 2019

Yours, etc.



LAW OFFICES OF THOMAS F. LIOTTI, LLC

By: Thomas F. Liotti, Esq.  
Attorneys for Plaintiff  
600 Old Country Road. Suite 530  
Garden City, New York 11530  
(516) 794-4700

TO: THE CITY OF NEW YORK  
c/o Comptroller of the City of New York  
Municipal Building - Room 1225  
One Centre Street  
New York, New York 10007

NEW YORK CITY DEPARTMENT OF EDUCATION  
New York City Law Department  
100 Church Street, Ground Floor  
New York, New York 10007

CITY OF NEW YORK OFFICE OF SPECIAL INVESTIGATIONS  
80 Maiden Lane  
New York, New York 10038

NYC MAYOR BILL de BLASIO  
City Hall  
New York, NY 10007

GIULIA COX  
c/o The William W. Niles School - Middle School 118  
577 E. 179th Street  
Bronx, New York 10457

COURTNEY WARE  
c/o The William W. Niles School - Middle School 118  
577 E. 179th Street  
Bronx, New York 10457

BEN CHAPMAN  
c/o New York Daily News  
4 New York Plaza  
New York, New York 10004

NEW YORK DAILY NEWS  
4 New York Plaza  
New York, New York 10004

DR. ANDRE PERRY  
c/o The Brookings Institution  
1775 Massachusetts Ave., NW  
Washington, DC 20036

THE HECHINGER REPORT a/k/a  
HECHINGER INSTITUTE ON EDUCATION AND THE MEDIA  
c/o Teachers College - Columbia University  
525 W. 120th St, TC Box 127  
New York City, New York 10027

LENARD LARRY McKELVEY a/k/a CHARLAMAGNE THA GOD  
c/o iHeartMedia  
125 W 55th St  
New York, New York 10019

WWPR-FM (105.1 MHZ)  
163 E 125th St  
New York, New York 10035

iHEARTMEDIA  
125 W 55th St  
New York, New York 10019

CLEAR CHANNEL COMMUNICATIONS, INC.  
1233 Avenue of the Americas  
New York, New York 10020

NEW YORK STATE SENATOR, KEVIN S. PARKER  
District Office  
3021 Tilden Ave.,  
1st floor & Basement  
Brooklyn, New York 11226-5107

COUNCILMAN, JUMAANE D. WILLIAMS  
District Office  
4517 Avenue D  
Brooklyn, New York 11203

COUNCILMAN, DANIEL DROMM  
 District Office  
 37-32 75th Street, 1st Floor  
 Jackson Heights, New York 11372

COALITION OF EDUCATIONAL JUSTICE  
 726 Broadway, 5<sup>th</sup> Floor  
 Metro Center  
 New York , New York 10003

ANGEL MARTINEZ  
 c/o Coalition of Educational Justice  
 726 Broadway, 5<sup>th</sup> Floor  
 Metro Center  
 New York , New York 10003

NATASHA CAPERS  
 c/o Coalition of Educational Justice  
 726 Broadway, 5<sup>th</sup> Floor  
 Metro Center  
 New York , New York 10003

JOHN DOE AND JANE DOE # 1-100  
 being all individual Defendants  
 owing a duty of care to Plaintiffs, the identities and addresses of whom  
 are currently unknown to Plaintiffs

**NOTICE:** The object of this action is to recover damages for the harm caused to the Plaintiff, Patricia Cummings', reputation, livelihood, and career as a New York City Public School Teacher at The William W. Niles School - Middle School 118, Community School District 10, in Bronx County, New York; to wit: for the defamation, discrimination, distress, suffering, mental, emotional, and physical anguish and humiliation and embarrassment inflicted upon the Plaintiff, Patricia Cummings', due to the negligence, carelessness, recklessness, and, misfeasance, malfeasance, and negligent acts practices, and/or omissions of the Defendants in negligently, improperly, and unprofessionally failing to expeditiously investigate false, frivolous, retaliatory, unsubstantiated, and delusive allegations erroneously made against the Plaintiff and inappropriately making her the subject of extensive defamatory media coverage; directing an automatic and protracted reassignment from her position as a New York City Public School Teacher at The William W. Niles School - Middle School 118, Community School District 10, in Bronx County, New York, and ultimately her termination as a New York City Public School Teacher; and further in violating State and Federal Civil Rights, 42 U.S.C. §§ 1983 and 1988, including but not limited to State and Federal Constitutional violations for a denial of Due Process and the Equal Protection of the Laws.

This matter arose as a result of what was erroneously reported concerning a complaint made by a parent of a student regarding a lesson taught by the Plaintiff in her social studies class 408, on the Middle Passage, which took place on January 9, 2018. On or about January 16, 2018, the Plaintiff received a hand-delivered correspondence by and from Giulia Cox, Principal of The William W. Niles School - Middle School 118, inexplicably informing her that she was the subject of a disciplinary meeting to take place on January 18, 2018. Shortly thereafter, from January 23, 2018 to January 25,

**FILED: SUFFOLK COUNTY CLERK 03/22/2019 06:00 PM**  
 NYSCEF DOC. NO. Case 1:19-cv-01664 Document 1-1 Filed 03/22/19 Page 5 of 5 PageID # 10

INDEX NO. 600747/2019

RECEIVED NYSCEF: 03/22/2019

2018, the Plaintiff was removed from teaching class 408; however, she continued to teach her other classes during this time. Following the Plaintiff's return to class 408, on or about February 1, 2018, the Plaintiff was confronted on school property by Ben Chapman, a reporter from the New York Daily News, and as a result, became the subject of a front page story in the New York Daily News, falsely accusing her of being a "racist" and "*making black students lie face down on the floor of her class, and asking them [H]ow does it feel to be a slave?*" As a result, this fabricated and erroneous set of "facts" was picked up by the media worldwide and transmitted to various news outlets and appeared online and in media all over the world. The Plaintiff was featured in several prominent newspapers and televised news programs, as well as on YouTube, where it is erroneously reported, among other things that she "*singled out black students and made them act like slaves;*" she is falsely reported to have told them to "*lie on the floor for a lesson on slavery and then stepped on their backs to show them what slavery felt like.*" She has been publically accused of "child abuse," labeled as a "racist," referred to as an "oppressor," by many, including politicians and activists, and specifically by Ben Chapman, a reporter from the New York Daily News and Dr. Andre Perry in the Hechinger Report, a nonprofit, independent news organization focused on inequality and innovation in education. The Plaintiff has been publically called, among other things, a "cave animal," a "cracker," and a "white supremacist," by Power 105.1 radio personality, Lenard Larry McKelvey, known professionally as "*Charlamagne tha God,*" on the air, and by other members of the general public in various and extensive online media posts discussing this issue. She has received direct threats of violence and death causing her to fear for her life. Giulia Cox, Principal of The William W. Niles School - Middle School 118, adamantly refused to speak with another teacher, who was present in the classroom during the Plaintiff's lesson, and later testified to the Office of Special Investigations that the lesson in question was appropriate. The Plaintiff was ultimately exonerated of the erroneous allegations following an investigation by the Office of Special Investigations.

The Plaintiff's reputation as a respected educator has been damaged. Her professional career has been substantially compromised and she has been unwillingly exposed to negative notoriety, which has publically humiliated and embarrassed her and subjected her to threats of violence, assault, and death.

The relief sought is monetary relief for damages as a result of the defamation, reverse discrimination, denial of due process, severe emotional, psychological, and physical distress, loss of reputation, loss of income, and expenses incurred by the Plaintiff in an amount not less than One Hundred Twenty Million Dollars, (\$120,000,000.00), to be determined upon the trial of this action; which amount exceeds the jurisdictional limits of all lower courts, which may otherwise have jurisdiction, together with interest from January 18, 2018, plus the costs and disbursements of the action, and for such other and further relief as to the Court seems just and proper.

The municipal Defendants in this action have been served with a timely Notice of Claim, and more than thirty (30) days have elapsed since the service of the Notice of Claim. There is no prejudice to the municipal Defendants by the filing of this action, as a pre-action hearing on the Plaintiffs' claim pursuant to General Municipal Law, Article 4, Section 50-h has been scheduled, wherein the municipal Defendants will have an opportunity to orally examine the Plaintiff, under oath, relative to the occurrences and the extent of the injuries for which her claim was made.

Upon your failure to appear, judgment will be taken against you by default in an amount to be determined, upon the trial of this action, which amount exceeds the jurisdictional limits of all lower courts, which may otherwise have jurisdiction, together with interest from January 18, 2018, plus the costs and disbursements of the action, and for such other and further relief as to the Court seems just and proper.

**FILED: SUFFOLK COUNTY CLERK 03/22/2019 06:00 PM**  
 NYSCEF DOC. NO. Case 1:19-cv-01664 Document 1-2 Filed 03/22/19 Page 1 of 2 PageID # 11  
 RECORDED NYSCEF: 03/22/2019

INDEX NO. 600747/2019



Michael J. Gryglej  
 Tel 518-689-1400  
 Fax 518-689-1499  
 gryglejm@gtlaw.com

February 19, 2019

***VIA ELECTRONIC MAIL (tom@tliotti.com)  
 AND UPS / OVERNIGHT DELIVERY***

Thomas F. Liotti, Esq.  
 Law Offices of Thomas F. Liotti, LLC  
 600 Old Country Road  
 Suite 530  
 Garden City, New York 11530

Re: *Patricia Cummings v. City of New York, et al.*, Index No. 600747/2019

Dear Mr. Liotti:

We represent Defendant Lenard Larry McKelvey a/k/a *Charlamagne Tha God* in the above-referenced action (the "Action"). Please find enclosed for service on behalf of our client a Notice of Appearance and Demand for Complaint dated February 19, 2018. The Action also names as Defendants iHeartMedia, Clear Channel Communications, Inc. (n/k/a iHeartCommunications, Inc.) and WWPR-FM (105.1 MHZ).

On March 15, 2018 (the "Petition Date"), iHeartMedia, Inc. and certain of its subsidiaries, including iHeartCommunications, Inc. and WWPR-FM (105.1 MHZ) (collectively, the "Debtors") commenced cases under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code"), which are pending in the United States Bankruptcy Court for the Southern District of Texas (the "Bankruptcy Court").

**Please be advised that continued prosecution of the Action may constitute a direct violation of the automatic stay extant in these chapter 11 cases.**

The commencement of a bankruptcy case results in the imposition of an automatic stay that acts as an injunction against all parties from taking certain actions. Among the acts specifically prohibited by section 362 of the Bankruptcy Code are "the commencement or continuation . . . of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the [bankruptcy] case . . . [or] any act to obtain possession of property of [the debtor's] estate or of property from the estate or to exercise control over property of the estate . . . [or] to collect, assess, or recover a claim against the debtor that arose before the commencement of [the debtor's] bankruptcy case." See 11 U.S.C. §§ 362(a)(1), (3), and (6). Continued pursuit of the Action against any Debtor will entitle the Debtors to recovery of "actual damages, including costs and attorneys' fees, and, in appropriate circumstances, [they] may recover punitive damages." See 11 U.S.C. § 362(k)(1); see also *Young v. Repine (In re*

Thomas F. Liotti, Esq.  
 February 19, 2019  
 Page 2

*Repine*), 536 F.3d 512, 519 (5th Cir. 2008). Moreover, nonbankruptcy courts' authority to continue judicial proceedings is suspended, even where the acting party had no formal notice of the stay. *See Sosebee v. Steadfast Ins. Co.*, 701 F.3d 1012, 1025 (5th Cir. 2012). Accordingly, any attempt to prosecute the Action against any Debtor is stayed in its entirety by the commencement of the Debtors' bankruptcy cases.

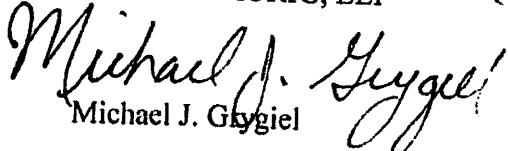
In light of the foregoing, we hereby demand that you cease any further activity to prosecute the Action against the Debtors. Failure to comply may necessitate appropriate proceedings in the Bankruptcy Court with the attendant possibility of sanctions, costs, and other expenses. Actions taken in violation of the automatic stay are void *ab initio*, and parties may be held in contempt of court for violating the automatic stay. *See, e.g.*, 11 U.S.C. § 362(k)(1); *see also Young*, 536 F.3d at 519. The Debtors hereby reserve all of their rights at law and in equity with respect to any damages that may arise from, or relate to, actions taken by you in violation of applicable laws.

Please confirm to the undersigned in writing that you will forego pursuing the Action as to the Debtors – *i.e.*, iHeartMedia, Inc.; Clear Channel Communications, Inc. (n/k/a iHeartCommunications, Inc.), and WWPR-FM (105.1 MHZ).

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

GREENBERG TRAURIG, LLP

  
 Michael J. Goggiel

MJG/rsb  
 Enclosure

ALB 2187139v1

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

PATRICIA CUMMINGS,

Plaintiff,

- against -

THE CITY OF NEW YORK; NEW YORK CITY  
DEPARTMENT OF EDUCATION; CITY OF NEW  
YORK OFFICE OF SPECIAL INVESTIGATIONS;  
NYC MAYOR BILL de BLASIO; GIULIA COX;  
COURTNEY WARE; BEN CHAPMAN; NEW  
YORK DAILY NEWS; DR. ANDRE PERRY;  
THE HECHINGER REPORT a/k/a HECHINGER  
INSTITUTE ON EDUCATION AND THE MEDIA;  
LENARD LARRY McKELVEY a/k/a  
*CHARLAMAGNE THA GOD*; WWPR-FM (105.1  
MHZ); iHEARTMEDIA; CLEAR CHANNEL  
COMMUNICATIONS, INC.; NEW YORK STATE  
SENATOR, KEVIN S. PARKER; COUNCILMAN,  
JUMAAANE D. WILLIAMS; COUNCILMAN,  
DANIEL DROMM; COALITION OF  
EDUCATIONAL JUSTICE; ANGEL MARTINEZ;  
NATASHA CAPERS, and "JOHN DOE AND JANE  
DOE# 1-100" said names being fictitious, it being the  
intent of Plaintiff to designate any and all individuals,  
officers, members, agents, servants, and/or employees  
of the aforementioned agencies owing a duty of care to  
Plaintiff, individually and jointly and severally,

Defendants.

CIVIL ACTION NO. \_\_\_\_\_

*Removed from the Supreme Court  
of New York for Suffolk County*

Index No. 600747/2019

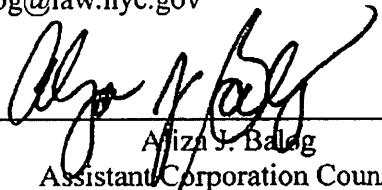
Defendants The City of New York ("City"), New York City Department of Education  
("DOE"), City of New York Office of Special Investigations ("OSI"<sup>1</sup>), NYC Mayor Bill  
de Blasio, Giulia Cox, Courtney Ware, Councilman Jumaane D. Williams, and Councilman  
Daniel Dromm (collectively, the "City Defendants"), by and through their undersigned counsel,

<sup>1</sup> OSI is not only misnamed in this action, but it is also not a separate suable entity. OSI is the New York City Department of Education's Office of Special Investigations and is part of the DOE.

and without waiving any defenses or claims, hereby consent to removal of this action, currently pending in the Supreme Court of New York for Suffolk County, Index. No. 600747/2019, to the United States District Court for the Eastern District of New York.

Dated: New York, New York  
March 22, 2019

ZACHARY W. CARTER  
Corporation Counsel of the City of New York  
Attorney for City Defendants  
100 Church Street, Room 2-143  
New York, New York 10007-2601  
(212) 356-1104  
[abalog@law.nyc.gov](mailto:abalog@law.nyc.gov)

By:   
Ariza J. Balog  
Assistant Corporation Counsel

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

PATRICIA CUMMINGS,

Plaintiff,

- against -

THE CITY OF NEW YORK; NEW YORK CITY  
 DEPARTMENT OF EDUCATION; CITY OF NEW  
 YORK OFFICE OF SPECIAL INVESTIGATIONS;  
 NYC MAYOR BILL de BLASIO; GIULIA COX;  
 COURTNEY WARE; BEN CHAPMAN; NEW  
 YORK DAILY NEWS; DR. ANDRE PERRY;  
 THE HECHINGER REPORT a/k/a HECHINGER  
 INSTITUTE ON EDUCATION AND THE MEDIA;  
 LENARD LARRY McKELVEY a/k/a  
*CHARLAMAGNE THA GOD*; WWPR-FM (105.1  
 MHZ); iHEARTMEDIA; CLEAR CHANNEL  
 COMMUNICATIONS, INC.; NEW YORK STATE  
 SENATOR, KEVIN S. PARKER; COUNCILMAN,  
 JUMAANE D. WILLIAMS; COUNCILMAN,  
 DANIEL DROMM; COALITION OF  
 EDUCATIONAL JUSTICE; ANGEL MARTINEZ;  
 NATASHA CAPERS, and "JOHN DOE AND JANE  
 DOE# 1-100" said names being fictitious, it being the  
 intent of Plaintiff to designate any and all individuals,  
 officers, members, agents, servants, and/or employees  
 of the aforementioned agencies owing a duty of care to  
 Plaintiff, individually and jointly and severally,

Defendants.

CIVIL ACTION NO. \_\_\_\_\_

*Removed from the Supreme  
 Court of New York for Suffolk  
 County*

Index No. 600747/2019

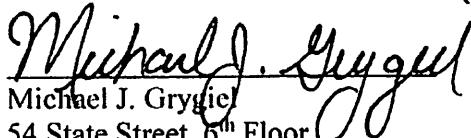
CONSENT TO REMOVAL

Defendant Lenard Larry McKelvey a/k/a *Charlamagne Tha God*, by and through his undersigned counsel, and without waiving any defenses or claims, hereby consents to removal of this action, currently pending in the Supreme Court of New York for Suffolk County, Index No. 600747/2019, to the United States District Court for the Eastern District of New York.

Dated: March 22, 2019

GREENBERG TRAURIG, LLP

By:

  
Michael J. Grygiel  
54 State Street, 6<sup>th</sup> Floor  
Albany, New York 12207  
Tel: (518) 689-1400  
Fax: (518) 689-1499  
grygielm@gtlaw.com

*Attorneys for Defendant Lenard Larry McKelvey  
a/k/a Charlamagne Tha God*

ACTIVE 42475779v2

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

PATRICIA CUMMINGS,

Plaintiff,

- against -

THE CITY OF NEW YORK; NEW YORK CITY  
DEPARTMENT OF EDUCATION; CITY OF NEW  
YORK OFFICE OF SPECIAL INVESTIGATIONS;  
NYC MAYOR BILL de BLASIO; GIULIA COX;  
COURTNEY WARE; BEN CHAPMAN; NEW  
YORK DAILY NEWS; DR. ANDRE PERRY;  
THE HECHINGER REPORT a/k/a HECHINGER  
INSTITUTE ON EDUCATION AND THE MEDIA;  
LENARD LARRY McKELVEY a/k/a  
*CHARLAMAGNE THA GOD*; WWPR-FM (105.1  
MHz); iHEARTMEDIA; CLEAR CHANNEL  
COMMUNICATIONS, INC.; NEW YORK STATE  
SENATOR, KEVIN S. PARKER; COUNCILMAN,  
JUMAAANE D. WILLIAMS; COUNCILMAN,  
DANIEL DROMM; COALITION OF  
EDUCATIONAL JUSTICE; ANGEL MARTINEZ;  
NATASHA CAPERS, and "JOHN DOE AND JANE  
DOE# 1-100" said names being fictitious, it being the  
intent of Plaintiff to designate any and all individuals,  
officers, members, agents, servants, and/or employees  
of the aforementioned agencies owing a duty of care to  
Plaintiff, individually and jointly and severally,

Defendants.

) CIVIL ACTION NO. \_\_\_\_\_

*Removed from the Supreme  
Court of New York for Suffolk  
County*

Index No. 600747/2019

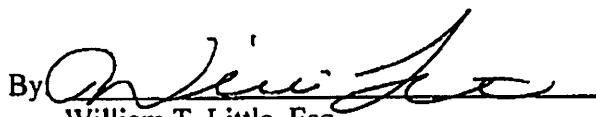
**CONSENT TO REMOVAL**

Defendant New York State Senator Kevin S. Parker, by and through his undersigned  
counsel, and without waiving any defenses or claims, hereby consents to removal of this action,  
currently pending in the Supreme Court of New York for Suffolk County, Index No. 600747/2019,  
to the United States District Court for the Eastern District of New York.

Dated: March 21, 2019

OFFICE OF NEW YORK STATE SENATOR  
KEVIN PARKER

By



William T. Little, Esq.

Counsel to the Secretary of the Senate

New York State Capitol Building

172 State Street, Room 500F

Albany, New York 12247

(518) 455-2908 (Direct)

(518) 925-2845 (Cell)

*Attorney for Defendant New York State Senator  
Kevin S. Parker*

ACTIVE 42476367v1

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

PATRICIA CUMMINGS,

Plaintiff,

- against -

THE CITY OF NEW YORK; NEW YORK CITY  
DEPARTMENT OF EDUCATION; CITY OF NEW  
YORK OFFICE OF SPECIAL INVESTIGATIONS;  
NYC MAYOR BILL de BLASIO; GIULIA COX;  
COURTNEY WARE; BEN CHAPMAN; NEW  
YORK DAILY NEWS; DR. ANDRE PERRY;  
THE HECHINGER REPORT a/k/a HECHINGER  
INSTITUTE ON EDUCATION AND THE MEDIA;  
LENARD LARRY McKELVEY a/k/a  
*CHARLAMAGNE THA GOD*; WWPR-FM (105.1  
MHZ); iHEARTMEDIA; CLEAR CHANNEL  
COMMUNICATIONS, INC.; NEW YORK STATE  
SENATOR, KEVIN S. PARKER; COUNCILMAN,  
JUMAAANE D. WILLIAMS; COUNCILMAN,  
DANIEL DROMM; COALITION OF  
EDUCATIONAL JUSTICE; ANGEL MARTINEZ;  
NATASHA CAPERS, and "JOHN DOE AND JANE  
DOE# 1-100" said names being fictitious, it being the  
intent of Plaintiff to designate any and all individuals,  
officers, members, agents, servants, and/or employees  
of the aforementioned agencies owing a duty of care to  
Plaintiff, individually and jointly and severally,

Defendants.

CIVIL ACTION NO. \_\_\_\_\_

*Removed from the Supreme Court  
of New York for Suffolk County*

Index No. 600747/2019

**CONSENT TO REMOVAL**

Defendant New York City Coalition for Educational Justice, incorrectly named as  
Coalition of Educational Justice, without waiving any defenses or claims, hereby consents to  
removal of this action, currently pending in the Supreme Court of New York for Suffolk County,  
Index No. 600747/2019, to the United States District Court for the Eastern District of New York.

Dated: March 21, 2019

By: Hetal Dalal

Hetal Dalal  
Director of Legal Compliance  
NYC Coalition for Educational Justice,  
a project of Center for Popular Democracy  
449 Troutman Street, Suite A  
Brooklyn, New York 11237

ACTIVE 42476728v2

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

PATRICIA CUMMINGS,

Plaintiff,

- against -

THE CITY OF NEW YORK; NEW YORK CITY  
DEPARTMENT OF EDUCATION; CITY OF NEW  
YORK OFFICE OF SPECIAL INVESTIGATIONS;  
NYC MAYOR BILL de BLASIO; GIULIA COX;  
COURTNEY WARE; BEN CHAPMAN; NEW  
YORK DAILY NEWS; DR. ANDRE PERRY;  
THE HECHINGER REPORT a/k/a HECHINGER  
INSTITUTE ON EDUCATION AND THE MEDIA;  
LENARD LARRY McKELVEY a/k/a  
*CHARLAMAGNE THA GOD*; WWPR-FM (105.1  
MHZ); iHEARTMEDIA; CLEAR CHANNEL  
COMMUNICATIONS, INC.; NEW YORK STATE  
SENATOR, KEVIN S. PARKER; COUNCILMAN,  
JUMAAANE D. WILLIAMS; COUNCILMAN,  
DANIEL DROMM; COALITION OF  
EDUCATIONAL JUSTICE; ANGEL MARTINEZ;  
NATASHA CAPERS, and "JOHN DOE AND JANE  
DOE# 1-100" said names being fictitious, it being the  
intent of Plaintiff to designate any and all individuals,  
officers, members, agents, servants, and/or employees  
of the aforementioned agencies owing a duty of care to  
Plaintiff, individually and jointly and severally,

Defendants.

CIVIL ACTION NO. \_\_\_\_\_

*Removed from the Supreme  
Court of New York for Suffolk  
County*

Index No. 600747/2019

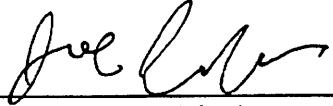
**CONSENT TO REMOVAL**

Defendants Hechinger Institute on Education and the Media, an institute of Teachers College, Columbia University, and Dr. Andre Perry (collectively, the "Hechinger Defendants"), by and through their undersigned counsel, and without waiving any defenses or claims, hereby consent to removal of this action, currently pending in the Supreme Court of New York for Suffolk

County, Index No. 600747/2019, to the United States District Court for the Eastern District of New York.

Dated: March 21, 2019

HAYNES AND BOONE, LLP

By: 

Richard D. Rochford

Joseph Lawlor

30 Rockefeller Plaza, 26<sup>th</sup> Floor

Telephone: (212) 659-4984

richard.rochford.haynesboone.com

joseph.lawlor@haynesboone.com

*Attorneys for Defendants Hechinger Institute on Education and the Media, an institute of Teachers College, Columbia University, and Dr. Andre Perry*

ACTIVE 42469167v1

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

PATRICIA CUMMINGS,

Plaintiff,

CIVIL ACTION NO. \_\_\_\_\_

- against -

THE CITY OF NEW YORK; NEW YORK CITY  
DEPARTMENT OF EDUCATION; CITY OF NEW  
YORK OFFICE OF SPECIAL INVESTIGATIONS;  
NYC MAYOR BILL de BLASIO; GIULIA COX;  
COURTNEY WARE; BEN CHAPMAN; NEW  
YORK DAILY NEWS; DR. ANDRE PERRY;  
THE HECHINGER REPORT a/k/a HECHINGER  
INSTITUTE ON EDUCATION AND THE MEDIA;  
LENARD LARRY McKELVEY a/k/a  
*CHARLAMAGNE THA GOD*; WWPR-FM (105.1  
MHZ); iHEARTMEDIA; CLEAR CHANNEL  
COMMUNICATIONS, INC.; NEW YORK STATE  
SENATOR, KEVIN S. PARKER; COUNCILMAN,  
JUMAANE D. WILLIAMS; COUNCILMAN,  
DANIEL DROMM; COALITION OF  
EDUCATIONAL JUSTICE; ANGEL MARTINEZ;  
NATASHA CAPERS, and "JOHN DOE AND JANE  
DOE# 1-100" said names being fictitious, it being the  
intent of Plaintiff to designate any and all individuals,  
officers, members, agents, servants, and/or employees  
of the aforementioned agencies owing a duty of care to  
Plaintiff, individually and jointly and severally,

*Removed from the Supreme Court  
of New York for Suffolk County*

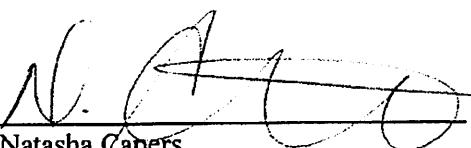
Index No. 600747/2019

Defendants.

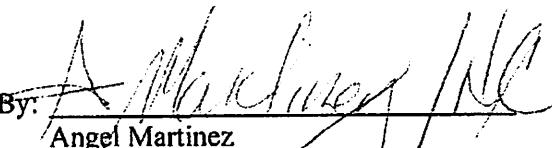
**CONSENT TO REMOVAL**

Defendants Angel Martinez and Natasha Capers, without waiving any defenses or claims,  
hereby consent to removal of this action, currently pending in the Supreme Court of New York  
for Suffolk County, Index No. 600747/2019, to the United States District Court for the Eastern  
District of New York.

Dated: March 22, 2019

By:   
Natasha Capers  
Coordinator  
NYC Coalition for Educational Justice  
726 Broadway, 5<sup>th</sup> Floor  
New York, New York 10003

Dated: March 22, 2019

By:   
Angel Martinez  
Parent Community Liaison  
NYC Coalition for Educational Justice,  
726 Broadway, 5<sup>th</sup> Floor  
New York, New York 10003

ACTIVE 42519988v2